

House File 2440

HOUSE FILE _____
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HF 2202)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to awards of noneconomic damages against health
2 care providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5587HV 80
5 rh/pj/5

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1 1 Section 1. NEW SECTION. 668B.1 TITLE.
1 2 This chapter may be cited as the "Noneconomic Damage Awards
1 3 Against Health Care Providers Act".
1 4 Sec. 2. NEW SECTION. 668B.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Health care provider" means a physician as defined in
1 8 section 135.1, an advanced registered nurse practitioner
1 9 licensed pursuant to chapter 152, a hospital as defined in
1 10 section 135B.1, and a health care facility as defined in
1 11 section 135C.1.
1 12 2. "Health care services" means services that involve
1 13 diagnosis, treatment, medical evaluation, advice, or such acts
1 14 as may be permissible under the health care licensing statutes
1 15 of this state.
1 16 3. "Noneconomic damages" means damages arising from pain,
1 17 suffering, inconvenience, physical impairment, mental anguish,
1 18 emotional pain and suffering, loss of chance, loss of
1 19 consortium, and any other nonpecuniary damages.
1 20 Sec. 3. NEW SECTION. 668B.3 DAMAGE AWARDS.
1 21 In any action for damages for injury or death against any
1 22 health care provider, whether based in tort, contract, or
1 23 otherwise, arising out of an act or omission in connection
1 24 with the provision of health care services, the injured
1 25 plaintiff shall be entitled to recover noneconomic damages,
1 26 but such damages shall not exceed two hundred fifty thousand
1 27 dollars, except upon a finding of actual malice on the part of
1 28 the defendant.
1 29 HF 2440
1 30 rh/es/25
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